



General Assembly

January Session, 2011

Proposed Bill No. 5313

LCO No. 600

Referred to Committee on Judiciary

Introduced by:

REP. DARGAN, 115th Dist.

AN ACT LIMITING THE TIME PERIOD FOR FILING A PETITION FOR A WRIT OF HABEAS CORPUS IN DEATH PENALTY CASES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 That the general statutes be amended to require that an application
2 for a writ of habeas corpus challenging the validity of a conviction or
3 sentence in a capital felony case be brought not later than three years
4 after the date the sentence was imposed or one year after the final
5 order of the Connecticut Supreme Court on a direct appeal or the
6 United States Supreme Court on a writ of certiorari, whichever is later,
7 except that, notwithstanding such limitation of time, a court may hear
8 an application if the applicant establishes due diligence in presenting
9 the claim and (1) a physical disability or mental disease precluded
10 timely assertion of the claim, (2) the applicant alleges the existence of
11 newly discovered evidence that would establish the applicant's actual
12 innocence, (3) the applicant's claim is based on a new interpretation of
13 constitutional law that is retroactive, or (4) the applicant establishes
14 that evidence favorable to the applicant was in the exclusive
15 possession of the state and not timely disclosed to the applicant.

Statement of Purpose:

To speed up the post-conviction process in death penalty cases by requiring a state habeas corpus petition be filed within a specified period of time.